

### **386.510 Definitions for KRS 386.510 to 386.590.**

As used in KRS 386.510 to 386.590, the following terms shall be construed to have the meaning set forth by this section, unless a contrary meaning clearly appears from the context:

- (1) The term "trust institution" means any of the following corporations having trust powers and authorized to act in a fiduciary capacity under the laws of Kentucky: Any state bank or trust company incorporated under the laws of Kentucky and any national banking association incorporated under the laws of the United States and having its principal office in Kentucky.
- (2) The term "investment adviser" of a fiduciary investment company means (a) any trust institution which, pursuant to contract with a fiduciary investment company possessing the qualifications provided by KRS 386.510 to 386.590, regularly furnishes advice to such investment company with respect to the desirability of investing in, purchasing or selling securities or other property or is empowered to determine what securities or other property shall be purchased or sold by such investment company, and (b) any person other than a trust institution, who, pursuant to contract with such trust institution, regularly performs substantially all of the duties undertaken by such trust institution.
- (3) The term "fiduciary investment company" means a corporation which is an investment company as defined by the Act of Congress entitled "Investment Company Act of 1940" approved August 22, 1940, as amended, and is incorporated in accordance with the "Kentucky Business Corporation Act" as to constitute a medium for the investment of funds held by trust institutions and foreign trust institutions in a fiduciary capacity, either alone or with one (1) or more cofiduciaries.
- (4) The term "supervisory agency" means (a) the comptroller of the currency of the United States with respect to any fiduciary investment company having a national banking association as an investment adviser, and (b) the executive director of financial institutions of the Commonwealth of Kentucky with respect to any fiduciary investment company having a state bank as an investment adviser. The term shall mean the executive director of financial institutions of the Commonwealth of Kentucky with respect to any fiduciary investment company which does not have an investment adviser.
- (5) The term "foreign trust institution" means any state bank or trust company organized under the laws of any state other than Kentucky or any national banking association incorporated under the laws of the United States and having its principal office in some state other than Kentucky, which has trust powers and is authorized to act in a fiduciary capacity under the laws under which it was incorporated.

**Effective:** July 13, 1984

**History:** Amended 1984 Ky. Acts ch. 388, sec. 16, effective July 13, 1984. -- Created 1974 Ky. Acts ch. 300, sec. 2.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming

the reorganization of the executive branch. Such a correction has been made in this section.